

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LAURA POLANCO,

Plaintiff,

-against-

**DECLARATION  
OF BRETT H.  
KLEIN**

CITY OF NEW YORK, ADAM GARGIR, Individually,  
JOSE SANTORY, Individually, HOWARD ROTH,  
Individually, MICHAEL CHAVARRIA, Individually,  
LUIS MARTE, Individually, WILLIAM ESPOSITO,  
Individually, and JOHN and JANE DOE 1 through 10,  
Individually, (the names John and Jane Doe being fictitious,  
as the true names are presently unknown),

14 CV 7986 (NRB)

Defendants.

-----X

BRETT H. KLEIN, declares under penalty of perjury pursuant to 28 U.S.C. § 1746 that  
the following is true and correct:

1. I am the attorney for plaintiff LAURA POLANCO in the above-captioned action.  
I make this declaration in support of plaintiff's Memorandum of Law and Local Rule 56.1  
Statement in opposition to defendants' motion for partial summary judgment.

2. Attached hereto as Exhibit 1 are excerpts from the deposition of Florentino  
Canela Zorrila conducted on January 3, 2017.

3. Attached hereto as Exhibit 2 are experts from the deposition of Jose Santory  
conducted on July 25, 2016.

4. Attached hereto as Exhibit 3 are excerpts from the deposition of Luis Marte  
conducted on November 28, 2016.

5. Attached hereto as Exhibit 4 are excerpts from the deposition of Michael  
Chavarria conducted on July 29, 2016.

6. Attached hereto as Exhibit 5 are excerpts from the deposition of Howard Roth conducted on October 19, 2016.

7. Attached hereto as Exhibit 6 are excerpts from the deposition of Cecilia Pimentel conducted on November 22, 2016.

8. Attached hereto as Exhibit 7 are excerpts from the deposition of Laura Polanco conducted on October 12, 2016.

9. Attached hereto as Exhibit 8 is a videotaped recording of the statement plaintiff provided to the Bronx County District Attorney's Office on September 25, 2012, produced as DEF 1680.

10. Attached hereto as Exhibit 9 is an audio recording of the phone call placed by a NYPD sergeant to the Internal Affairs Bureau on September 24, 2012 regarding the incident involving plaintiff, produced as DEF 1681.

11. Attached hereto as Exhibit 10 are excerpts from the deposition of Howard Roth conducted on June 25, 2015.

12. Attached hereto as Exhibit 11 is a copy of relevant treatment records for plaintiff from Lincoln Hospital Center, produced as P020-P039.

13. Attached hereto as Exhibit 12 are copies of photographs of plaintiff depicting injuries arising from the incident, produced as P096-P100.

14. Attached hereto as Exhibit 13 is a copy of typewritten notes taken by the Bronx County District Attorney's Office based on information provided by Adam Gargir, produced as P005-P006.

15. Attached hereto as Exhibit 14 is a copy of the criminal court complaint filed against plaintiff, produced as P002-P004.

16. Attached hereto as Exhibit 15 is a copy of the OLPA printout for plaintiff's arrest produced as DEF 6-DEF 7.

17. Attached hereto as Exhibit 16 is a copy of the criminal court record of court action, also known as the Court's docket sheet, for the prosecution of plaintiff, produced as DEF 39-DEF 41.

18. Attached hereto as Exhibit 17 are excerpts from the deposition of Jose Santory conducted on June 25, 2015.

19. Attached hereto as Exhibit 18 is a copy of relevant treatment records for plaintiff from Montifiore Medical Center, produced as P040-P090.

20. Attached hereto as Exhibit 19 is a copy of relevant treatment records for plaintiff from Cabral Internal Medicine, PLLC, produced as P091-P095.

21. Attached hereto as Exhibit 20 is a copy of relevant records from plaintiff's employer, FedEx, produced as P135-P145.

Dated: New York, New York  
July 12, 2017

BRETT H. KLEIN, ESQ., PLLC  
Attorneys for the Plaintiff LAURA POLANCO  
305 Broadway, Suite 600  
New York, New York 10007  
(212) 335-0132

By: /s/ Brett H. Klein  
BRETT H. KLEIN

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**DECLARATION OF BRETT H. KLEIN**

**BRETT H. KLEIN, ESQ., PLLC**  
Attorneys for the Plaintiff  
305 Broadway, Suite 600  
New York, New York 10007  
(212) 335-0132